

Instructions

This form should be used to lodge a complaint to the ACT Regulatory Authority in circumstances where your complaint alleges possible offences and/or engage a risk to the safety, health and wellbeing of children or a child attending an education and care service.

The completed form should be forwarded to complaintsCECA@act.gov.au

The Authority is obligated to protect personal information in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles contained in the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Information provided in this form would only be shared subject to the information sharing provisions under the relevant Legislation.

Direct Complaint Form - Online

Date completing form:	4/12/20
Time completing form:	
Your full name:	P01 P01
Date of birth	P02
Contact details: (phone and email)	P03
Service to which the complaint relates?	Brindabella Christian College
Has the complaint been raised directly with the service? If <i>yes</i> what was the response? If <i>not</i> why?	Yes to the Board. Board Chair, P01 P01 responded with inappropriate and derogatory remarks about our parenting and our children and laid unsubstantiated allegations against our daughter, College Captain at the time. We didn't know him in any personal context whatsoever. After repeated requests by my husband to stop and just respond to our complaint, he continued to make negative and inappropriate comment in the emails.
Complainant's relationship to the service (how long have you had an association <i>parent/educator</i> for)?	2016-2019 as a parent and volunteer
Date/time of incident/ issue to which the complaint	July – December, 2019 and January 2020

relates. If unknown, approximate timeframes?	
If delay in reporting, reasons for delay?	Delay in reporting to CECA because we have only just become aware of your involvement and the fitness and propriety reassessment requirement of all persons in management and control including the Board Chair and ELC Director
Name of children (in full if possible) involved in the incident/ issue to which the complaint relates?	<p>P01 P01</p> <p>P01 P01</p> <p>P01 P01</p>
Age of Children (DOB if possible and relevant?)	<p>Year 12</p> <p>Year 11</p> <p>Year 8 respectively</p>
Name of educator(s), staff member(s) or other persons involved?	<p>Board Chair P01 P01, Acting Principal P01 P01 and Acting Head of Senior School P01P01 and ELC Director P01 P01 who reported “rumour and inuendo of our daughter’s conduct” to the Board Chair (heresay from her daughter P01, being in the same Year 12 class as our daughter). The Acting Principal told us this was the source.</p>
<p>Details of the incident/issue:</p> <p><i>Consider details such as:</i></p> <p><i>What happened?</i></p> <p><i>Where did it happen?</i></p> <p><i>Has it ever happened before?</i></p> <p><i>Has it happened to anyone else?</i></p> <p><i>Who was present?</i></p> <p><i>Who was involved?</i></p> <p><i>Have you discussed the incident/issue with anyone else?</i></p> <p><i>Has any action been taken?</i></p>	<p>This complaint is purely about fitness and misconduct of the Board Chair, Acting Principal and ELC Director all related to the Board Chairs response to our complaint. We made formal complaint to the Board mid 2019 regarding the mass exodus of staff, teachers, LSA’s, psychologists, ELC Staff, Executive and Principal and the instability this caused the College, the impact on student welfare and continuity of care and relationships with teachers, personal security and academics.</p> <p>The Board Chair responded with inappropriate and personal comments about our parenting and our children and laid unsubstantiated allegations against our daughter who was College Captain at the time. After repeated requests to leave our children out of the conversation, he refused and continued with unhelpful and inappropriate comment failing to address any of our concerns about the College or its care and education services.</p> <p>It resulted in him directing the Acting Principal to become involved who in turn failed to conduct any of her own assessment or background checking on his allegations, before she arranged a disciplinary style meeting with my daughter against our written instructions not to involve her in any way (we believed there was no substance to his wild claims and she was in the middle of AST exams). She was distressed and shocked to discover allegations against her by the Board Chair of the school that she was publicly speaking negatively about</p>

him and disparaging him. A very intimidating charge for a young lady, and one who was giving her very best for the College and received BSSS Award for Excellence for her community service and contributions as College Captain. His allegations were his alone, not held or affirmed by any teacher or staff except the ELC Director who hold his court an vice versa.

Long story short, we took the College to the HRC Commission where the Board Chair, via lawyers, challenged their jurisdiction over the school and their request for him to participate in conciliation. When my daughter met at the HRC office (8/11/19) for conciliation with the Acting principal for her appalling actions towards our daughter, the Board Chair sent lawyers to attend. Thankfully the HRC said it was inappropriate and further intimidation to send lawyers to conciliation meeting with a minor. They were turned away. Further evidence of the Board's failure to place children's interests first above their own.

The HRC made it very clear to the College they had no right to censor or reprimand a student that is sharing their student experience whether negative or positive. That was all we could ever substantiate was **P01** discussing with peers who difficult all the losses of teachers and staff were, in particular for her the loss of the Principal, **P01** **P01** who she had worked closely with as College Captain.

The Principal and Board Chair had both failed to investigate the comments made by ELC Director which was hearsay from her daughter. Both failed to assess it for truthfulness, context, motive and failed to follow any complaints handling or student welfare and safety processes and policy in handling the matter.

He refused to meet for conciliation with the HRC and us.

At the end of year Presentation & Awards Night, our daughter and her fellow College Captain, **P0:P01** were asked to give a 2019 Year in Review report. The Board attempted to draw them into governance matters by trying to censor the speech and stop them from acknowledging and thanking the outgoing Principal's service. She ignored their attempts to involve her in his personal grievance with the outgoing Principal however, after she thanked the outgoing Principal **P01** **P01** (to an ovation of 1,000 people), she was immediately stood down from mc'ing and prevented from performing in any more of the musical items she was a part of. He directed her not to be

involved any further in the awards evening which was her final school experience.

The following month two weeks before school start, her two brothers enrolments were terminated (one starting year 12) and lawyers explaining the boys had done nothing wrong, but it was purely related to “recent events”without the further clarity our lawyers have asked for, this means the HRC involvement and her speech at Presentation Night. There was no fees in dispute whatsoever. This was purely a further act of ultimate bullying and intimidation, simply eradicating the family from the school. This had always been our claim and demonstrates the lengths the Board will go to, to protect their own interests and avoid accountability or responsibility for compliance or complaint.

This exclusion of our boys from school is **especially significant** as I note CECA’s requirement for the Board Chair to sit the **fitness and propriety reassessment was set for 17 January 2020**. We note his lawyers requested it to be rescheduled two days prior due to personal reasons preventing him from attending.

Ironically, whatever these personal reasons were, they didn’t prevent him however from instructing lawyers to **terminate our boys enrolments on 17 January 2020** and his further engagement over the coming days & weeks as we sought help from ACAT to reverse the decision. The school refused to respond to any calls or emails. Our attempts at ACAT were unsuccessful as they could not have jurisdiction to hear a matter re unlawful exclusion from school under the Education Act. We have since been quoted upwards of \$100,000 to fight the matter in the Supreme Court. What parent has that ability?

The matter re treatment of my daughter and the exclusion of the boys enrolment is only provided as context.

Our complaint here to CECA is primarily the failure to exercise due care and skill and failure to place children’s interests first and foremost by the Board Chair specifically and to provide you with supporting evidence and a broader context of behaviour pattern and misconduct as Proprietor of Brindabella Christian Education Limited – trading as ELC and College.

It is our personal opinion, great harm and distress has been brought to our children of all ages and the community by the conduct of the ELC Director’s unprofessional and inappropriate

	<p>rumour making and the Board Chairs own failings to abide by process and policy put in place to protect the welfare of others and ensure accountability and proper governance is carried out in the best interests of children. They are failing to protect our children.</p> <p>The Board Chairs bullying and drawing in of our daughter was also reported to Work Safe ACT (forming part of the basis for the Improvement Notices issued 12/12/19) and the Education Directorate and formed part of the Authorised Persons Review by the EDU conducted second half of 2019. The Minister for Education likewise is also aware of the exclusion of the boys from school and our complaint regarding that action is with both the Directorate and Work Safe Act and the ACT HRC and ACT Dept of Fair Trading. ACT Fair Trading has given the school a directive to remove these clauses from their enrolment policy and contract which allow for the exclusion of children under such conditions as being unfair terms. This matter is still in negotiation with the College Lawyers.</p> <p>We note, the College’s various legal teams are engaged with multiple regulators seemingly distracting and diverting resources and attention. Manipulative tactics to avoid responsibility and challenge legislative and regulatory requirements of them. We find this likewise a matter for complaint that a private school Board can delay and tie up regulators, avoiding the fitness and propriety assessment whilst children are excluded from their community and relationships with teachers who love and care and invest in their learning.</p>
<p>Did you make any notes at the time, or send any emails? Are you prepared to provide a copy?</p>	<p>Yes and Yes</p>
<p>If necessary would you be prepared to make a statement?</p>	<p>Yes</p>
<p>Is there any other information (documents, memos, emails etc) that you may have that would substantiate the allegation(s)?</p>	<p>Yes</p>